UNITED STATES PATENT AND TRADEMARK OFFICE

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10/668,949	09/23/2003	Osman Ahmed	2003P14526US	3299

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER
PHAM, HUNG Q

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

    4a) Of the above claim(s) *29-55* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the rejection under 35 U.S.C. § 103 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 15, the limitation, *converting database instructions conforming to a common database access method in the computer statements to database queries*, was not described in the specification. As disclosed in the Specification (Page 15 Lines 7-8), *database instructions conforming to a common database access method* is converted to *database queries*. Nowhere in the Specification indicates *database instructions conforming to a common database access method* is in *the computer statements*. Therefore, this limitation is interpreted in light of the Specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Haeberle

et al. [USP 7,337,191 B2].

The applied reference has a common assignee with the instant application. Based upon the earlier effective

U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e)

might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the

reference was derived from the inventor of this application and is thus not the invention "by another," or by an

appropriate showing under 37 CFR 1.131.

Regarding claim 1, Haeberle teaches *a system for a building system application* (Abstract)

comprising:

a database (Col. 6 Lines 24-25);

a data provider interface configured to convert database instructions conforming to a common database

access method to database queries conforming to a database application programming interface (API) and to

convert database responses to the common database access method (Col. 6 Lines 24-27 and Col. 8 Lines

34-38); and

an application infrastructure (Col. 6 Line 27), the infrastructure comprising:

a system design converter configured to convert application definition data into computer statements that

implement control logic of application definition data (Col. 12 Lines 27-35);

a computer tool interface coupled to the system design converter (Col. 12 Lines 22-24), *the computer*

tool interface configured to provide the system design converter with data from the database through the data

provider interface (Col. 12 Lines 41-62 and Col. 13 Lines 29-33);

an external program module interface coupled to the system design converter, the external program

module interface configured to provide the system design converter with external program modules (Col. 6

Lines 5-7); and

the system design converter being further configured to include the data obtained through the computer

tool interface and the external program modules obtained through the external program module interface with

the computer statements (Col. 5 Line 65-Col. 6 Line 8) *that implement the control logic of application*

definition data (Col. 12 Lines 34-35) *to generate a building system application* (FIG. 1 and Col. 11 Lines

35-41).

Regarding claim 15, Haeberle teaches a method for *supporting a building system application*

(Abstract) comprising:

storing data in a database (Col. 13 Lines 15-28);

converting application definition data into computer statements that implement control logic of the

application definition data (Col. 12 Lines 24-35);

converting database instructions conforming to a common database access method in the computer

statements to database queries conforming to a database application programming interface (API) coupled to the

database to enable the instructions conforming to the common database access method to access the database

(Col. 13 Lines 40-45);

converting data responses from the database API to data responses conforming to the common database

access method (Col. 13 Lines 45-52);

obtaining external programs through an external program module interface (Col. 6 Lines 5-7); and

generating building system applications by incorporating data obtained from the data responses

conforming to the common database access method and the external program modules in the computer

statements that implement the control logic of the application definition data (Col. 12 Lines 21-46 and Col.

13 Lines 52).

Regarding claims 2 and 16, Haeberle teaches all of the claimed subject matter as

discussed above with respect to claims 1 and 15, Haeberle further discloses *the database is*

comprised of a plurality of databases (Col. 13 Lines 16-17).

Regarding claims 3 and 17, Haeberle teaches all of the claimed subject matter as

discussed above with respect to claims 2 and 15, Haeberle further discloses *the database being*

comprised of a real-time database and a data mart (Col. 13 Lines 16-28).

Regarding claims 4 and 18, Haeberle teaches all of the claimed subject matter as

discussed above with respect to claims 3 and 17, Haeberle further discloses *the data mart being*

configured in one of a snowflake and star data organization (Col. 13 Lines 16-28).

Regarding claim 5, Haeberle teaches all of the claimed subject matter as discussed

above with respect to claim 1, Haeberle further discloses *common components configured to support*

the application generated by the system design converter (Col. 5 Lines 47-64).

Regarding claim 6, Haeberle teaches all of the claimed subject matter as discussed

above with respect to claim 1, Haeberle further discloses *web-based components configured to couple*

the computer statements that implement the control logic of the application definition data to another application over the Internet (Col. 4 Lines 50-62).

Regarding claim 7, Haeberle teaches all of the claimed subject matter as discussed above with respect to claim 5, Haeberle further discloses *operating system communication components configured to couple the computer statements that implement for implementing the control logic of the application definition data to another application through an operating system* (Col. 9 Lines 11-21).

Regarding claim 8, Haeberle teaches all of the claimed subject matter as discussed above with respect to claim 7, Haeberle further discloses *the operating system communication components communicate through a Windows operating system* (Col. 9 Lines 11-21).

Regarding claim 9, Haeberle teaches all of the claimed subject matter as discussed above with respect to claim 6, Haeberle further discloses *the Web-based components couple the computer statements that implement the control logic of the application definition data to another application over the Internet through a customer web portal* (Col. 4 Lines 50-62).

Regarding claims 10 and 24, Haeberle teaches all of the claimed subject matter as discussed above with respect to claims 1 and 15, Haeberle further discloses *a configuration utility configured to develop a file structure representative of a building system and to associate for configuration data with components identified in the file structure* (Col. 7 Lines 39-51).

Regarding claims 11 and 25, Haeberle teaches all of the claimed subject matter as discussed above with respect to claims 1 and 15, Haeberle further discloses *a data collector interface configured to couple external data sources to the database* (Col. 7 Lines 52-54).

Regarding claims 12 and 26, Haeberle teaches all of the claimed subject matter as discussed above with respect to claims 11 and 25, Haeberle further discloses *the data collector interface is configured to convert data from a native format for an external data source to a format that is compatible with the database structure* (Col. 7 Lines 52-57).

Regarding claims 13 and 27, Haeberle teaches all of the claimed subject matter as discussed above with respect to claims 12 and 26, Haeberle further discloses *transaction services configured to generate instructions for the database API to store the converted data in the database* (Col. 7 Lines 52-64).

Regarding claims 14 and 28, Haeberle teaches all of the claimed subject matter as discussed above with respect to claims 11 and 27, Haeberle further discloses *a scheduling service configured to activate the data collector interface to interrogate the external data sources for data to be stored in the database* (Col. 8 Lines 8-15).

Regarding claim 19, Haeberle teaches all of the claimed subject matter as discussed above with respect to claim 15, Haeberle further discloses the step of *coupling common components to the computer statements for implementing control logic of application definition data for communication support* (Col. 12 Line 21-Col. 13 Line 14).

Regarding claim 20, Haeberle teaches all of the claimed subject matter as discussed above with respect to claim 19, Haeberle further discloses the step of *coupling the computer statements for implementing control logic of application definition data to another application through a Web-based component for communication over the Internet* (Col. 12 Line 21-Col. 13 Line 14).

Regarding claim 21, Haeberle teaches all of the claimed subject matter as discussed above with respect to claim 19, Haeberle further discloses the step of *coupling the computer statements for implementing control logic of application definition data to another application through an operating system communication component for supporting application communication through the operating system* (Col. 12 Line 21-Col. 13 Line 14).

Regarding claim 22, Haeberle teaches all of the claimed subject matter as discussed above with respect to claim 21, Haeberle further discloses the step of *coupling a Window-based communication component to the computer statements for implementing control logic of application definition data* (Col. 12 Line 21-Col. 13 Line 14).

Regarding claim 23, Haeberle teaches all of the claimed subject matter as discussed above with respect to claim 20, Haeberle further discloses *the communication through the Web- based component over the Internet is through a customer web portal* (Col. 4 Lines 50-62).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUNG Q. PHAM/
Primary Examiner
Art Unit 2168

July 24, 2008